

U.S. DISTRICT COURT  
SOUTHERN, DISTRICT OF NEW YORK

N  
Index # 08 CV 00540

Plaintiff(s)

SHEET METAL WORKERS' NATIONAL PENSION FUND, ET AL

- against -

AFFIDAVIT

Defendant(s)

AUL SHEET METAL WORKS INC., ET AL

Jeffrey S. Dubin  
464 New York Ave.#100  
Huntington, NY 11743

Court Date:

Your File No:

Our Rec. No: 280122

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

David Levine LIC#778982, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 01/29/08 at 10:38AM at:

4748 BRONX BLVD.,  
BRONX, NY 10470

deponent served the within SUM, COMP, JUDGE'S IND RULES & INSTRUCTIONS, PROCEDURES AND\*\* on AUL SHEET METAL WORKS INC., recipient therein named.

By delivering to and leaving with TRACI " SMITH"\*\*\*  
at 4748 BRONX BLVD., BRONX, NY  
and that he knew the person so served to be the MANAGING AGENT  
of the corporation.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 40      Approximate Weight: 180      Approximate Height: 5'6"  
Color of Skin: BLACK      Color of Hair: BLACK      Sex: FEMALE  
\*\*\*REFUSED TO GIVE LAST NAME  
\*\*GUIDELINES FOR FILING AN ELECTRONIC CASE

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 01/31/08  
Bruce J Smilowitz #01SM4965926  
Notary Public, State of New York  
Nassau County, Commission Expires 04/30/2010

  
David Levine LIC#778982